

REMARKS

Claims 1-18 and 29-31 have been cancelled. Claims 19-28 have been rejected. By this Amendment, claims 19 and 20 have been amended. New claims 32-37 have been added. Two paragraphs of the specification have been amended. Claims 19-28 and 32-37 remain in the application.

*Drawings*

The objection to the drawings is respectfully traversed. It should be noted that the Office Action refers to the drawings originally submitted on 30 September 2003. Formal drawings were filed in this case on April 5, 2004.

The office action indicates that “the features of the second targeting guide must be clearly shown in the figures. The drawings do not show how the second targeting guide selectively cooperates with the riser”.

FIG. 63 of this application illustrates the first targeting guide 1448 attached to the riser or handle 1446 and the second targeting guide 1910 separate from the riser or handle 1446. FIG. 63 also illustrates the second targeting guide 1910 with a dove tailed end. Amended FIG. 63 includes an opening in the dovetail section to receive connecting screw 1440. With this amendment, it is clear that element 1910 can be attached to the riser in the same manner as the first targeting guide 1448.

In addition, FIGS., 44-45 and 59-60 have been amended to illustrate the central longitudinal axes of these components. These changes are reflected in the annotated and replacement sheets provided with this Amendment and Response.

***Claim Rejections – 35 USC §112***

The rejection of claim 28 under 35 USC 112 is respectfully traversed. Nonetheless, claim 19 has been amended to refer to a first targeting guide. Accordingly, claim 28 is believed to be patentable.

***Claim Rejections – 35 USC §102***

Applicants respectfully traverse the rejection of claims 19-20 and 24-27 under 35 USC 102 as being anticipated by Gotfried, U.S. Pat. No. 5,429,641. Claim 19 calls for the tube to have an elongate bore with a non-circular transverse cross-section. Gotfried does not disclose such a tube. Accordingly, claim 19 and its dependent claims 20 and 24-27 are patentable over Gotfried.

In addition, Gotfried is not seen to disclose or suggest providing a bushing with an offset bore as in claim 20 of the present application. Accordingly, claim 20 is patentable over Gotfried.

Applicants respectfully traverse the rejection of claims 19, 22 and 25-27 under 35 USC 102 as being anticipated by Kitchens, U.S. Pat. No. 6,916,323. Claim 19 calls for the tube to have an elongate bore with a non-circular transverse cross-section. Kitchens does not disclose such a bore for element 224. Accordingly, claim 19 and its dependent claims 22 and 25-27 are patentable over Kitchens.

New claim 32 is patentable over both Gotfried and Kitchens. Neither reference discloses two drill guides with bores positioned differently with respect to the central longitudinal axes of the drill guides.

***Claim Rejections – 35 USC §103***

Applicants respectfully traverse the rejection of claims 21 and 23 under 35 U.S.C. §103 as being unpatentable over Gotfried in view of Levy (U.S. Patent No. 5,540,695). As indicated above with respect to claim 19, Gotfried is not seen to disclose or suggest providing a guide wherein a tube has an elongate bore with a non-circular transverse cross-section. Levy is not seen to disclose such a bore in a tube. Accordingly, even if one were motivated to combine Gotfried and Levy, the combinations claimed in claims 21 and 23 would not have resulted. Claims 21 and 23 are therefore patentable over Gotfried and Levy.

Applicants respectfully traverse the rejection of claim 21 under 35 U.S.C. §103 as being unpatentable over Kitchens in view of Levy (U.S. Patent No. 5,540,695). As indicated above with respect to claim 19, Kitchens is not seen to disclose or suggest providing a guide wherein a tube has an elongate bore with a non-circular transverse cross-section. Levy is not seen to disclose such a bore in a tube. Accordingly, even if one were motivated to combine Kitchens and Levy, the combinations claimed in claim 21 would not have resulted. Claim 21 is therefore patentable over Kitchens and Levy.

Applicants respectfully traverse the rejection of claim 21 under 35 U.S.C. §103 as being unpatentable over Gotfried in view of Bray (U.S. Patent No. 6,235,034). As indicated above with respect to claim 19, Gotfried is not seen to disclose or suggest providing a guide wherein a tube has an elongate bore with a non-circular transverse cross-section. Bray is not seen to disclose such a bore in a tube that is sized and shaped to extend between a targeting guide and a bone plate. Accordingly, even if one were motivated to combine Gotfried and Bray, the combinations claimed in claim 21 would not have resulted. Claim 21 is therefore patentable over Gotfried and Bray.

***Conclusion***

It is believed that the claims 19-28 and 32-37 are in condition for allowance.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
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